



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company

▲ Artesian Wastewater Management

▲ Artesian Utility Development

▲ Artesian Water Pennsylvania

▲ Artesian Water Maryland

▲ Artesian Wastewater Maryland

Via DelaFile

July 06, 2016

Ms. Donna L. Nickerson, Secretary
Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

Dear Ms. Nickerson:

RE: Artesian Water Company, Inc. CPCN Application- Kent 060116

Enclosed please find a CPCN Application filed on behalf of Artesian Water Company, Inc. to provide water service to one parcel located in Kent County. AWC paid the required \$300 application fee electronically through the Commission's electronic portal *Delafile*.

Please feel free to contact me at (302) 453-6995 should you have any questions regarding this application.

Sincerely,

A handwritten signature in blue ink that reads "David L. Valcarengi".

David L. Valcarengi
Manager of Rates and Regulation

cc: John Barndt, DNREC, Division of Water Resources- via email
Grover Ingle, Delaware State Fire Marshall's Office
Constance Holland, Delaware Office of State Planning
Andrew Jakubowitch, Kent County Dept. of Public Works
Edward Hallock, Delaware Department of Health
David Bonar, Delaware Division of the Public Advocate

BEFORE THE DELAWARE PUBLIC SERVICE COMMISSION
APPLICATION FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

This application is filed consistent with the requirements of Delaware Code 26 Del. C. §203C.

Type of Utility Service: **Water Service**

I. APPLICANT INFORMATION

A). Full legal name and address of Applicant:

ARTESIAN WATER COMPANY, INC. ("AWC")
664 CHURCHMANS ROAD
NEWARK, DE 19702

B). Utility Contact: **DAVID L. VALCARENGHI**

C). Phone No.: **(302) 453-6995**

D). Fax No.: **(302) 369-4041**

E). Email: **dvalcarenghi@artesianwater.com**

II. BASIS FOR APPLICATION

____ A. The Applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government. *(26 Del. C. § 203C (e) (1) (b) (1)).*

 X B. The Applicant has one or more petitions requesting water service from the applicant executed by the landowners of record of each parcel or property to be encompassed within the proposed territory to be served.
(26 Del. C. § 203C (e) (1) (b) (2)).

____ C. The Applicant, in the case of existing development, subdivision, or generally recognized unincorporated community has one or more petitions requesting water service from the applicant executed by the landowners of record of parcels and properties that constitute a majority of the parcels or properties in the existing development, subdivision, or unincorporated community. *(26 Del. C. § 203C (e) (1) (b) (3)).*

____ D. The Applicant possess a certified copy of a resolution or ordinance from the governing body of a municipality that requests, directs, or authorizes the applicant to provide water services to the proposed territory to be

served, which must be located within the boundary of such county and municipality. (26 Del. C. § 203C((e)(1)(b)(4))

III. PROCEDURE

- A. Artesian Water Company, Inc. (AWC) requests that this application be reviewed pursuant to an informal fact finding procedure.

IV. PETITIONS FOR UTILITY SERVICE

- A. Customer Petitions requesting Service- Exhibit A
- B. Customer Notifications of CPCN Application- Exhibit B
- C. Proposed Parcels Included in CPCN- Exhibit C
- D. AWC Certification of Information Accuracy- Exhibit D

V. IDENTIFICATION OF PARCELS

- A. The application includes one parcel located on Clapham Road, Frederica, Delaware and is identified by Kent County tax id No. 8-00-11300-02-3500-00001.
- B. Water service will be provided by way of a main extension from an adjacent property and the Company anticipates furnishing water service to the parcel immediately upon receiving approval.
- C. A map showing the location of the parcel is provided in Exhibit C.

VI. FINANCIAL AND OPERATIONAL CAPABILITIES

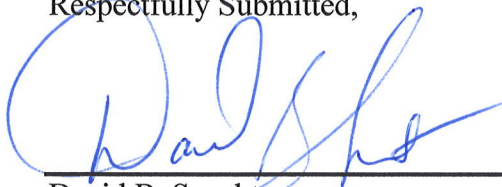
- A. Complete details of the Company are on file with the Commission, including information on Company's finances, and operational and managerial capabilities. A number of reports are on file with the Commission that detail AWC's financial and operational performance.
- B. AWC has been in the business of providing a safe, secure, reliable water supply for customers for over 100 years.
- C. AWC is an affiliate of Artesian Resources Corporation. Information that details the organizational structure of ARC and affiliates is on file with the Commission.
- D. AWC currently serves approximately 82,000 customers throughout the state of Delaware.
- E. AWC facilities are operated by fully licensed operators that have operated in full compliance with applicable federal and state rules, regulations, and laws.

- F. AWC provides water service at all times to present customers of at least the minimum water pressure threshold of 25 pounds. AWC states that it will provide service to the parcel that meet or exceed the water pressure guidelines.
- G. AWC provides superior service and is not subject to any orders from the Commission that found that the Company materially failed to provide adequate or proper safe water services to existing customers.
- H. AWC is not subject to a ruling, decision or finding from DNREC or any other regulatory authority that found the Company materially failed to comply with applicable safe drinking water or water quality standards.

VII. OTHER

- A. AWC's CPCN Application is fully consistent with prior Commission decisions.
- B. This CPCN has been forwarded, for informational purposes, to the following parties:
 - 1. John Barndt, DNREC, Division of Water Resources- via email
 - 2. Grover Ingle, Delaware State Fire Marshall's Office
 - 3. Constance Holland, Delaware Office of State Planning
 - 4. Andrew Jakubowitch, Kent County Dept. of Public Works
 - 5. Edward Hallock, Delaware Department of Public Health
 - 6. David Bonar, Delaware Division of the Public Advocate

Respectfully Submitted,

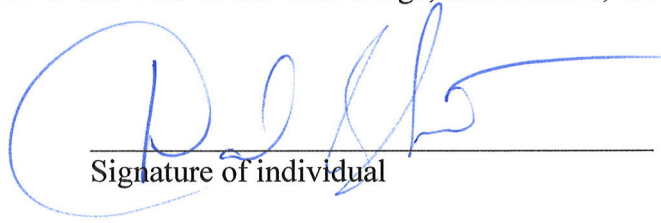


David B. Spacht
Artesian Water Company, Inc.
Chief Financial Officer & Treasurer

AFFIDAVIT

STATE OF DELAWARE)
) SS
COUNTY OF NEW CASTLE)

On this 6th day of July, 2016, personally came before me, the subscriber, a Notary Public in and for the state and county aforesaid, David B. Spacht, the CFO and Treasurer of Artesian Water Company, Inc. known to me personally to be such or having presented to me satisfactory evidence of identity, and acknowledged this document to be his act and deed and the act and deed of such corporation, that the signature of such individual is in his own proper handwriting, and that the facts set forth in this application are true and correct to the best of his knowledge, information, and belief.




Signature of individual

David B. Spacht

Printed Name

SIGNED AND SWORN (OR AFFIRMED) before me on this 6th day of
July, 2016



Signature of Delaware Notarial Officer
NOTARY PUBLIC

Title (e.g., Notary Public)



My Commission Expires:
3-14, 2020

EXHIBIT A

Artesian Water Company

Water Service Petition

We the undersigned, request to be included in the water service territory of Artesian Water Company, Inc. for the following property in Kent County, Delaware.

Parcel Nos.: 8-00-11300-02-3500-00001

Property Description: Misc A/C Kent County, 288 Clapham Road, Frederica, DE 19946

Property Owner(s): State of Delaware

Signature: _____ Title: _____ Date: _____

Printed: _____

Address: _____ Telephone _____

Signature: Robert B. McCleary Title: Chief Engineer Date: 5/27/2016

Printed: Robert B. McCleary

Address: 800 South Bay Rd, Dover, DE Telephone 302-760-2305

Signature: Johanna Title: Secretary Date: 5/30/16

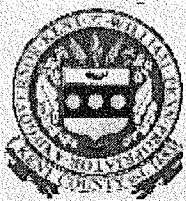
Printed: Jennifer Cohen

Address: 800 South Bay Rd Dover Telephone 302-760-2803

I UNDERSTAND THAT BY SIGNING THIS PETITION MY PROPERTY MAY HAVE TO REMAIN IN ARTESIAN WATER COMPANY, INC'S SERVICE TERRITORY PERMANENTLY. I ALSO UNDERSTAND THAT IT MAY AFFECT MY ABILITY TO OBTAIN A PERMIT FOR A NEW WELL.

IF YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS, PLEASE CONTACT THE PUBLIC SERVICE COMMISSION AT (302) 736-7500 (in Delaware, call 800-282-8574).

Return to: Artesian Water Company, Inc.
664 Churchmans Road
Newark, DE 19702
Lauri A. Major



KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615
(302) 744-2300 -- FAX (302) 736-2279

"Serving Kent County With Pride"

PROPERTY INFORMATION

Planning and Building Permits Information

Reference # SM SOUTH MURDERKILL HUNDRED Card # 1 of 1

Location ID 59348 Map Number 8-00-11300-02-3500-00001

Tax ID Deed BVP

Parcel ID 60425 Property Code X - EXEMPT

Current Owner DELAWARE, STATE OF,
89 KINGS HWY
DOVER, DE 19901

Property Location
288 CLAPHAM RD
FREDERICA, DE 19946

Additional Owner Zoning BG Acres

Sub-Division

Sales History				Liv.Sq.Ft	.0000
Date	Price	Assessment		Total Rooms	
0/00/00	0	Land		Bedrooms	
0/00/00	0	Buildings		Full Bath	
		Total		Half Bath	

Base Tax Due	.00	Last Billing Detail	History	Farm Info
Tax Penalty	.00			
Total Tax Bal.	.00			
Sewer Balance	.00	Sewer Account #		
Neighborhood #	00800	Coordinates		0487590 E 0382935 N
Land Use		Lot Dimensions		
Living Units		School District	20	CAESAR RODNEY
Class	Exempt	Fire District	55	MAGNOLIA
Plat Book Pg	00000	Sewer District	00	NONE
Topography	Level	Ambulance District	55	MAGNOLIA
Street or Road	Paved	Trash District		
Fronting	Residen	Light District		
Improvement	VACANT	Commissioner Dist	4TH	

		Tax Ditches	NONE	

IMPROVEMENT KEY	
MANUF HM	Manufactured Home
MANUFCC	Manufactured Home Class C Assessment
MNFHMRT	Manufactured Home Retired Title

Property Description
 E. SIDE RT. 113A
 LITTLE HEAVEN, 4 A.
 (LITTLE HEAVEN SCHOOL)

Year Built **Type** NO DATA **Energy Adj.**
Style **Fire Places** **Design**

	Type	Percentage	Type	Percentage
Ext. Walls		0		0
Roof Cover		0		0
Floor Cover		0		0
Heat/Cool		0		0
Plaster Int.		0		
Foundation				
Sub-floor				

	Y/N	Unfinished	Basement Living Area	Rec Room
Basement		0	0	0

	Type	Sq.Feet	Wall	Floor
Garage 1		0		
Garage 2		0		
Bas Gar		NO DATA	NO DATA	NO DATA
Porch 1	NO DATA	0		
Porch 2	NO DATA	0		

History

Dimensions 0 X 0

Skirting Type

Skirting Lin Ft 0

Tip Out Sq Ft 0

Serial Number
Manufacturer
Model
Color

OUTBUILDINGS			
Type/Dimn	Description	Type/Dimn	Description



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

*For Sec. Cohan's
signature*

*Ed
5/27/16*

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Robert B. McCleary
Chief Engineer, Transportation Solutions

FROM: Eric Cimo *EC*
Utilities Engineer

DATE: May 24, 2016

SUBJECT: Water Petition for Artesian Water Company - Little Heaven

Good Morning,

This package is a follow up to our discussion on Friday, May 20, 2016. There is a parcel within the project limits of the Little Heaven GSI project that is going to house the relocated Kent County Department of Public Works sanitary sewer pump station (see attached map and Kent County PRIDE data for more information on the parcel). The pump station needs water service and this particular parcel is not currently served by either of the local water companies, though Artesian Water has water mains running within the ROW adjacent to it. Knowing that Artesian provides water service in the area, Kent County has made verbal commitments to have the pump station served by them. In order to have this occur, we need to have the parcel added to Artesian's CPCN via the Public Service Commission. Since the parcel was purchased by DelDOT for the project, and it is now owned by the State of Delaware, Artesian has asked us to complete the attached Water Petition in order to allow the process of getting this parcel added to their CPCN started. As the property owner, this document needs to be signed by someone having documented authority to do so, and we need to return it to Artesian with the referenced documentation.

If you could please sign the attached document, obtain the Secretary's signature, provide the authority documentation, and return to my office, we can send everything to Artesian for further processing. Artesian will handle the remainder of the paperwork and submit to the Public Service Commission.

Thank you.
EC:bpp

TITLE 29

State Government

Departments of Government

CHAPTER 84. DEPARTMENT OF TRANSPORTATION

§ 8401 Establishment of Department.

(a) The Department of Transportation is hereby established. The Department, through appropriate divisions, authorities, subdivisions, offices and administrations shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions vested by law in the Department of Highways and Transportation immediately prior to July 1, 1976.

(b) The powers and duties of the Department of Transportation shall also include, but not be limited to, the following activities:

- (1) Coordinating and developing, in cooperation with the federal government, other states, Delaware state agencies, counties, cities, councils and agencies comprehensive balanced transportation planning and policy for the movement of people and goods within the State;
- (2) To be the lead agency for establishing and maintaining the continuing, comprehensive, cooperative transportation planning process pursuant to the existing and future provisions of Title 23, United States Code and the Urban Mass Transportation Act of 1964 as amended [49 U.S.C. § 5301 et seq.];
- (3) To be the supervising and responsible planning staff for all urban and rural transportation studies and programs in the State and enter into any contracts, agreements and stipulations as required;
- (4) To provide the necessary staffing, coordination and liaison required by present and future federal and state acts for transportation planning, programs, grant applications and required administration;
- (5) Planning, designing, constructing, operating and maintaining those highway and public transportation systems under its jurisdiction;
- (6) Preparing an annual transportation needs plan directed at the achievement of a coordinated and balanced transportation system for the State that is consistent with the state's social, economic and environmental needs and goals;
- (7) To establish a selection process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering or architectural design services, pursuant to the authority granted in Section 307 of the National Highway System Designation Act of 1995, P.L. 104-59. In developing this process, the Department shall also comply with the Professional Services Negotiation Act, subchapter II of Chapter 69 of this title, as amended. In addition, the Department shall comply with limits on costs reimbursement, including, but not limited to,

TITLE 29 - CHAPTER 84. DEPARTMENT OF TRANSPORTATION

overhead limits, established by its Consultant Policy Committee. In setting such limits, the Consultant Policy Committee shall consider the goal of the selection process set forth in the 1st sentence of this subsection, as well as the reasonable cost of architectural or engineering services.

29 Del. C. 1953, § 8401; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 2; 61 Del. Laws, c. 520, § 5; 70 Del. Laws, c. 473, § 74.;

§ 8402 Definitions.

As used in this chapter:

- (1) "Authority" or "Transportation Authority" means Delaware Transportation Authority.
- (2) "Corridor route" means any existing or proposed road in an urban or rural area which is classified as part of the "principal arterial highway system" as defined in the National Highway Functional Classification Studies on record with the Department and which serves traffic corridor movements of substantial statewide or interstate travel and as to which the concept of service to abutting land is subordinate to the provisions of travel service to major traffic movements.
- (3) "Department" means the Department of Transportation.
- (4) "Deputy Secretary" means the Deputy Secretary of the Department of Transportation.
- (5) "Director" means the Director of the Transportation Authority and/or the Director of the Division of Highways and/or the Director of the Office of Administration.
- (6) "Division" means the Division of Highways.
- (7) "Secretary" means the Secretary of the Department of Transportation.

29 Del. C. 1953, § 8402; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 3; 62 Del. Laws, c. 379, § 1; 67 Del. Laws, c. 46, § 57(a).;

§ 8403 Secretary; Deputy Secretary; division directors; Acting Secretary; appointment.

(a)(1) The administrator and head of the Department shall be the Secretary of the Department of Transportation, who shall be a person qualified by training and experience to perform the duties of the office and preference shall be given to a resident of this State provided that such person is acceptable and equally qualified. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. The Secretary shall be paid an annual salary not in excess of \$34,000. The Secretary of the Department of Finance shall become a bona fide resident of the State within 6 months after his or her appointment; provided, however, that upon good cause shown, the Governor may grant an additional extension of 6 months. After becoming a resident of the State, the Secretary shall continuously be a resident of the State as long as he or she retains the office. Failure to obtain or retain such residency shall serve to terminate said office.

(2) The Secretary may designate a Deputy Secretary who shall be a person qualified by training and experience to perform the duties of his or her office. The Deputy Secretary shall serve at the pleasure of the Secretary and shall have all the powers, duties, and functions of the Secretary, except the power to remove employees of the Department or to fix their compensation.

(b) In the event the position of Secretary is vacant, the Governor, by appointment, shall have the power to fill the position or positions of division director as are vacant. Directors so appointed shall serve at the pleasure of the Governor, and upon the position of Secretary being filled such directors may be removed by the Secretary with the written approval of the Governor.

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(c) In the event of death, resignation, temporary incapacity or removal of the Secretary and prior to the appointment of a successor, the Governor may appoint the Deputy Secretary or director of any division of the Department to serve as Acting Secretary. The Secretary may, during an absence from the State, appoint the Deputy Secretary or director of any division of the Department to serve as Acting Secretary during such absence. In either case, the Acting Secretary shall have all the powers and shall perform all the duties and functions of the Secretary during the Secretary's absence or incapacity or until a successor is duly qualified and appointed.

29 Del. C. 1953, § 8403; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 1; 67 Del. Laws, c. 46, § 57(b)-(d); 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 140, § 6.;

§ 8404 Powers, duties and functions of the Secretary.

The Secretary shall have the following powers, duties and functions:

- (1) To supervise, direct and account for the administration and operation of the Department, its divisions, subdivisions, offices, functions and employees;
- (2) To appoint, and fix the salary of, with the written approval of the Governor, the following division directors and office heads, who may be removed from office by the Secretary with the written approval of the Governor and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Secretary:
 - a. A Director of the Division of Highway Operations, who shall be known as the Director of Highway Operations and who shall be qualified by training and experience to perform the duties of the office. The Director of Highway Operations shall be, at the time of appointment, a registered professional engineer in this State or qualified for such registration;
 - b. A Director of the Transportation Authority who shall be qualified by training and experience to perform the duties of the office;
 - c. An administrator and head of the Office of Administration, who shall be known as the Director of Administration and who shall be qualified by training and experience to perform the duties of the office;
 - d. A Director of the Division of Motor Vehicles who shall be known as the Director of Motor Vehicles and who shall be qualified by training and experience to perform the duties of the office.
- (3) To appoint such additional personnel as may be necessary for the administration and operation of the Department within such limitations as may be imposed by law;
- (4) To collect and analyze statistical and planning information on all modes of transportation and make studies required to carry out state transportation programs; to coordinate and develop, in cooperation with federal, state, county and local governmental agencies, comprehensive balanced transportation planning, programming and policy for the movement of people and goods within the State; to prepare a statewide master transportation plan that is consistent with the state's social, economic and environmental needs and goals; and to develop a unified intermodal transportation planning program in cooperation with the Delaware Economic Development Office and other planning agencies to fulfill the transportation planning requirements of the federal government;

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- (5) To establish, consolidate or abolish such divisions, subdivisions and offices within the Department or the Authority or transfer or combine the powers, duties and functions of the divisions and offices within the Department or the Authority as the Secretary, with the written approval of the Governor, may deem necessary, provided that all powers, duties and functions required by law shall be provided for and maintained;
- (6) To make and enter into any and all contracts, agreements or stipulations, and to retain, employ and contract for the services of private and public consultants, research and technical personnel and to procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed by the Secretary necessary or desirable in the performance of the functions of the Department and whenever funds shall be available for such purpose. All necessary legal services shall be provided pursuant to Chapter 25 of this title;
- (7) To delegate any of the Secretary's powers, duties or functions to a director of a division except the power to remove employees of the Department or to fix their compensation;
- (8) To establish and to promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by the Secretary and which are not inconsistent with the laws of this State. No such rule or regulation shall extend, modify or conflict with any law of this State or the reasonable implications thereof;
- (9) To maintain such facilities throughout the State as may be required for the effective and efficient operation of the Department;
- (10) To adopt an official seal or seals for the Department;
- (11) In addition to the Secretary's other powers, duties and functions, the Secretary shall serve as an ex officio, nonvoting member of the Public Service Commission.

29 Del. C. 1953, § 8404; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, §§ 4, 5; 62 Del. Laws, c. 379, § 2; 63 Del. Laws, c. 191, § 4(e); 67 Del. Laws, c. 344, § 8; 69 Del. Laws, c. 435, §§ 41, 42; 69 Del. Laws, c. 458, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 110, § 132.;

§ 8405 Office of Administration.

The Office of Administration is hereby established having powers, duties and functions as follows:

- (1) The Office of Administration shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Controller of the State Highway Department, as set forth in Chapter 1 of Title 17;
- (2) In addition to the foregoing, the Office of Administration shall administer and coordinate the record keeping, transportation, fiscal affairs, data processing, statistics, accounting, personnel and such other general services for the Department as the Secretary may deem necessary for the proper, efficient and economical operation of the Department and shall coordinate such general services and business administration with other departments, agencies and offices of the government of this State.

29 Del. C. 1953, § 8405; 57 Del. Laws, c. 514, § 1.;

§ 8406 Division of Highways.

The Division of Highways is hereby established having powers, duties and functions as follows:

- (1) The Division of Highways shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

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a. The State Highway Department pursuant to Chapters 1, 3, 4, 5, 6 [repealed], 7, 9, 11, 12, 13 and 15 of Title 17 and Chapter 5 of Title 21; provided, however, that the powers, duties and functions of the Controller of the State Highway Department, as prescribed in Chapter 1 of Title 17, shall be performed by the Office of Administration as set forth in § 8405 of this title;

b. The State Highway Department pursuant to §§ 4504 and 4505 of Title 21.

(2) The powers, duties and functions assigned to and exercised by the State Highway Department in relation to the public lands of this State, as set forth in Chapter 45 of Title 7, are hereby removed and such powers, duties and functions are transferred to and shall be exercised by the Department of Natural Resources and Environmental Control.

29 Del. C. 1953, § 8406; 57 Del. Laws, c. 514, § 1.;

§§ 8407 , 8408. Transportation Authority — Established; powers and duties; status; Director; Acting Director.

Repealed by 62 Del. Laws, c. 164, § 4, eff. July 12, 1979.;

§ 8409 Council on Transportation.

(a) There is hereby established a Council on Transportation.

(b) The Council shall serve in an advisory capacity, except as otherwise provided, to the Secretary, the Deputy Secretary, the Transportation Directors and the Governor, and shall:

(1) Consider matters relating to transportation in the State and other matters such as the budget and capital improvement program which may be referred to it by the Governor or the Secretary of the Department;

(2) Study, research, plan and advise on matters it deems appropriate to enable the Department to function in the best possible manner;

(3) Have final approval of and adopt the Department of Transportation Capital Improvements Program which shall be submitted annually to the Council by the Department;

a. The Council shall review the updated Department capital improvements program prepared by the Department of Transportation, and established pursuant to § 8419 of this title, as amended. The updated Capital Improvements Program shall cover a period of not less than 6 years. The draft Capital Improvements Program shall be available to the public and the Council shall publish notices in a newspaper of general circulation in each county. The notices shall specify dates and places at which public meetings will be held, by the Council, 1 in each county, at which time the program will be reviewed and publicly explained and objections or comments may be made by an individual or group. Public meetings shall be held at least 2 weeks after the draft Capital Improvements Program is made available to the public. The notices shall also specify the name and address of the person to whom written comments may be sent. The written comments must be received by the person within 10 days after the last public meeting, which must be scheduled no later than September 30 of each year. Following the written comment period, the Council may make priority changes to the proposed Capital Improvements Program in an open meeting by documenting the reasons and justifications for changes, using the priority formula-based processes described in § 8419 of this title, and shall adopt the program by March 1 of each year. The Capital Improvements Program as prepared by the Department and as adopted by vote of the Council shall become the adopted Capital Improvements Program for the upcoming fiscal year. The adopted program shall be submitted to the agency charged

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with preparation of the State Capital Improvements Program and members of the General Assembly on/or before March 15 of each year for inclusion in the state capital improvements program for the following fiscal year.

b. The Department capital improvements program, as recommended to the agency charged with preparation of the State's Capital Improvements Program, shall set forth estimated expenditures by project and/or program for engineering, rights-of-way and construction of any major capital transportation project/program when applicable. The program shall include detailed information by project as to location, description of improvement, areas of deficiency and priority rating;

(4) Have final approval of and adopt all corridor route projects in connection with new road alignments, which project shall be submitted to the Council by the Department;

(5) Have final approval on matters relating to highway transportation priority planning as set forth in § 8419 of this title, as amended;

(6) Review and comment on the issuance, suspension, revocation or reinstatement of all certificates of public convenience and necessity issued pursuant to Chapter 18 of Title 2, as amended.

(c) The Council shall adopt all motions and approve all projects only by a majority vote of the entire membership of the Council. All voting shall be done in person and at regular or special meetings of the Council. If the Council, for any reason, shall fail to approve and adopt in writing within a reasonable period of time after receipt of the programs or projects referred to it, the Secretary of the Department may, with the approval of the Governor, upon 15 days prior written notice to the Chairperson of the Council, give final approval to said programs or projects notwithstanding the absence of the Council's written comments or approval.

(d) The Council shall consist of 9 members, with the members of no one political party holding a number of seats greater than one in excess of that held by the members of any other political party. This provision shall be applied only as existing Council members complete their present terms and all appointments made after July 18, 1990 shall be made in a manner sufficient to implement the political balance sought by this section, upon completion of the terms of the existing council members, at the earliest possible date.

(e) The Governor shall appoint the members of the Council, all of whom shall reside in the State, with a minimum of 2 members residing in any 1 county. A Chairperson of the Council shall be appointed by the Governor from the membership of the Council to serve at the Governor's pleasure.

(f) No person shall be eligible for appointment to the Council on Transportation who is a director, officer or employee of any public carrier, as defined by Chapter 18 of Title 2, as amended, or who owns or directly or indirectly controls more than 1 percent of the stock of any public carrier.

(g) No member of the Council shall hold any office or position or be engaged in any business, employment or vocation, the duties of which are incompatible with the duties of their membership on the Council.

(h) Members of the Council shall serve for a term of 3 years, provided however, that after the expiration of 3 years such members shall continue to serve until such time as the Governor appoints a replacement. Members of the Council on Transportation existing prior to January 1, 1990, shall be permitted to complete the existing term of their membership, subject to the other provisions of this section as amended. As the terms of their existing members of the Council expire, each of the first 3 appointments of members of the Council shall be for a term of 1 year, and the next 3 such appointments shall be each for a term of 2 years. Thereafter, all appointments shall be made for 3 year terms such that three members of the Council are appointed each year.

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(i) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(j)(1) Failure to attend 3 consecutive regular meetings of the Council shall be construed as a request by that member to resign from the Council and a replacement may thereafter be appointed in the member's stead.

(2) Members may be removed only for just cause, except as otherwise provided herein. Prior to removal, members shall be entitled to notice of the reason for removal and shall be entitled to a hearing before the Governor or the Governor's designee.

(k) Any replacement appointment to the Council to fill a vacancy prior to the expiration of the term shall be filled for the remainder of the term.

29 Del. C. 1953, § 8409; 57 Del. Laws, c. 514, § 1; 57 Del. Laws, c. 671, § 16; 60 Del. Laws, c. 503, § 7; 61 Del. Laws, c. 520, § 3; 62 Del. Laws, c. 164, § 3; 67 Del. Laws, c. 394, § 1; 69 Del. Laws, c. 362, §§ 1-3; 70 Del. Laws, c. 186, § 1.;

§ 8410 Council on Transportation — Books; records; access; annual report.

(a) The Council on Transportation shall have access to all books, records, reports and other documents relating to the divisions and offices of the Delaware Department of Transportation unless otherwise prohibited by law.

(b) The Chairperson of the Council on Transportation shall make an annual report of the Council's operations to the Secretary, the Governor and the General Assembly, and render such other reports as the Secretary, the Governor or the General Assembly may from time to time request or may be required by law.

29 Del. C. 1953, § 8410; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 7.;

§ 8411 Exemptions.

The following positions and administrations set forth in this chapter shall be exempt from Chapter 59 of this title:

- (1) Secretary of the Department of Transportation;
- (2) Director of the Transportation Authority;
- (3) Director of the Division of Highways;
- (4) Director of the Office of Administration;
- (5) Head of the Office of Financial Management and Budget;
- (6) Chiefs of such other divisions or administrations as may be established by the Secretary with the written approval of the Governor; and
- (7) Head of the Office of External Affairs.
- (8) Director of Division of Pre-Construction.
- (9) Director of Motor Vehicles.

60 Del. Laws, c. 503, § 7; 62 Del. Laws, c. 379, § 3; 67 Del. Laws, c. 46, § 57(e); 69 Del. Laws, c. 64, § 244; 72 Del. Laws, c. 395, § 309; 74 Del. Laws, c. 110, § 133.;

§ 8412 Assumption of powers.

TITLE 29 - CHAPTER 84. DEPARTMENT OF TRANSPORTATION

The Department, through appropriate divisions, subdivisions and offices, shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions vested by law in the State Highway Department and the Department of Transportation immediately prior to the effective date of this chapter and which are not otherwise specifically transferred to the Department by this chapter.

29 Del. C. 1953, § 8411; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 6.;

§ 8413 Appeals.

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions transferred by this chapter to the Department or to any divisions or subdivision thereof shall continue to exist with respect to such act or acts as hereafter performed by the Department or by the division, subdivision or office to which such function is transferred by this chapter and each such appeal shall be perfected in the manner heretofore provided by law.

29 Del. C. 1953, § 8412; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 6.;

§ 8414 Employees; definitions and references in other laws.

(a) All employees of any commission, board, department, council or agency, to the extent that the same are consistent with this chapter and in connection with a function transferred by this chapter to the Department, shall continue and be deemed to be the employees of the Department on the effective date of this chapter and, where applicable, with all the benefits accrued as merit employees as of the effective date of this chapter.

(b) All definitions and references to any commission, board, department, council or agency which appear in any other act or law shall, to the extent that the same are consistent with this chapter and in connection with a function transferred by this chapter to the Department, be construed as referring and relating to the Department of Transportation as created and established by this chapter.

(c) All definitions and references to any director, commissioner, executive secretary, commission, board or council member, or other similar person which appear in any other act or law, shall, to the extent that same are consistent with this chapter, and in connection with a function transferred by this chapter to the Department, be construed as referring or relating to such person or persons and their powers, duties and functions as established and created by this chapter.

29 Del. C. 1953, § 8413; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, §§ 1, 6.;

§ 8415 Annual report.

The Secretary of the Department shall make an annual report to the Governor and the General Assembly of the Department's operations and render such other reports as the Governor or General Assembly may from time to time request or as may be required by law.

29 Del. C. 1953, § 8414; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 6.;

§ 8416 Misnomer of Department in donation.

Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department if it sufficiently appears by the will, conveyance or other writing that the party making the same intended to pass and convey thereby to the Department or to any commission, board, department, authority, council or agency, to which, by this chapter, the powers, duties and functions have been transferred to the Department, the estate or interest therein expressed or described.

29 Del. C. 1953, § 8415; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 6.;

TITLE 29 - CHAPTER 84. DEPARTMENT OF TRANSPORTATION

§ 8417 Budgeting and financing.

(a) The Secretary, in cooperation with the division directors, shall prepare a proposed budget for the operation of the Department to be submitted for the consideration of the Governor and the General Assembly. The Department shall be operated within the limitation of the annual appropriation and any other funds appropriated by the General Assembly.

(b) Special funds may be used in accordance with approved programs, grants and appropriations.

29 Del. C. 1953, § 8416; 57 Del. Laws, c. 514, § 1; 60 Del. Laws, c. 503, § 6.;

§ 8418 Supremacy.

All other laws, or parts of laws, now in effect inconsistent with this chapter are hereby repealed, superseded, modified or amended as far as necessary to conform to, and give full force and effect to, this chapter.

29 Del. C. 1953, § 8418; 57 Del. Laws, c. 671, § 15; 60 Del. Laws, c. 503, § 6.;

§ 8419 Transportation priority planning.

The Department of Transportation, with Council approval, shall:

(1) Establish a method of determining current needs and costs of the entire multi-modal transportation requirements in the State which will be utilized in allocating capital funds by transportation capital improvement program. The needs and costs will be updated annually.

(2)a. Establish a formula-based process which shall be used for setting priorities on all Department transportation projects and which shall consider, but not be limited to the following: Safety, service and condition factors; social, economic and environmental factors; long range transportation plans and comprehensive land use plans; and continuity of improvement.

b. The formula based process shall not be utilized for setting priorities for dirt roads, suburban street aid projects, municipal street aid projects or system preservation projects. System preservation projects will be prioritized based upon performance measures established in the Department for pavement management, bridge management and safety management projects.

(3) Review and approve the Long Range Transportation Plan, to be used in connection with the Department's internal review process for transportation projects. Department programs or projects utilizing other than state, Transportation Trust Fund or federal funds shall be indicated within the Capital Improvements Program with their priority rating as specified in paragraph a. of subdivision (2) of this section, but the costs shall not be added to the total estimated cost of the overall program. An annual written report including this data shall accompany the Department recommendations.

(4) Update and prepare annually a statewide Capital Improvement Program for submission to the Council of Transportation. The first year of the Program shall consist of transportation programs and projects to be advanced in that year based upon the prioritization ranking process specified in subsection (2) of this section. No program or project will be funded for implementation except those that can with reasonable certainty be advertised for bid that year. Proposed projects or programs for the remaining years of the 6-year Capital Improvement Program shall be pursued in accordance with the prioritization ranking process specified in subsection (2) of this section. The estimated cost of the Program for each year shall not exceed the estimated federal and state funds available for transportation

TITLE 29 - CHAPTER 84. DEPARTMENT OF TRANSPORTATION

purposes during that year. The estimated federal and state fund availability will be developed annually by the Department of Transportation based upon the dollar amount of funds available and the ability to use the funds for a specific program or project.

(5) Review any priority changes that would result in the introduction of new projects or programs to a proposed or adopted Department Capital Improvements Program and make recommendations on such priority changes or introduction of new projects or programs based on the criteria and formula-based process which establish the priorities or projects and programs. The Department shall fully document its recommendations in a written report to the Council on Transportation.

61 Del. Laws, c. 520, § 2; 63 Del. Laws, c. 191, § 5; 67 Del. Laws, c. 394, § 2; 72 Del. Laws, c. 229, §§ 1-8.;

§ 8420 Division of Motor Vehicles.

The Division of Motor Vehicles is established and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(1) The State Highway Department, the State Highway Commission, the Motor Vehicle Department and the Motor Vehicle Commissioner, pursuant to Chapters 1, 3, 7, 21, 23, 25, 27, 29, 41-44, 61, 63, 65 [repealed], 67, 80 [repealed], and 81 of Title 21;

(2) The Reciprocity Commission pursuant to Chapter 4 of Title 21. The Secretary of Transportation shall have the authority to make any necessary agreements pursuant thereto;

(3) The Motor Vehicle Commissioner pursuant to Chapter 45 of Title 21, except §§ 4504 and 4505 of Title 21; and

(4) The Department of Public Safety, Division of Motor Vehicles.

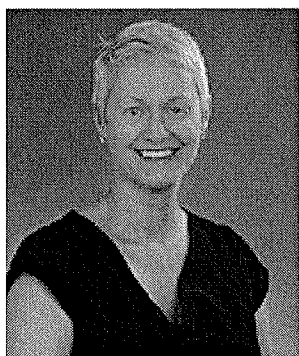
74 Del. Laws, c. 110, § 134.;

Select Language ▼

DelDOT Secretary

Jennifer Cohan

About the Secretary



I am Jennifer Cohan. As Delaware's Secretary of Transportation, I would like to share my goals for the Department of Transportation with you.

Our focus will be on customer service and innovation. We will sharpen that focus throughout the department by keeping the needs of Delaware citizens the center of every decision we make, every project we build, and every service that we provide.

I firmly believe that what makes this department run is not its Cabinet Secretary. What makes DelDOT run is the people who work hard in every division, every day. My plan is to ensure the members of the DelDOT team have the tools they need to continue to make DelDOT a top-notch agency, and I am excited to share my ideas with DelDOT's talented employees. We will promote innovation in all of our divisions, and we will do this while continuing to use data-driven prioritization for DelDOT's infrastructure choices.

The Transportation Trust Fund is in need of additional resources, and we will continue to work to make this happen. What Delaware citizens demand in return for additional sources of revenue for the transportation network is the assurance that we're doing things efficiently and innovatively. To help us with our new innovation strategy, we will hire a Director of Technology and Innovation. This position will oversee the department's Information Technology needs and help each division identify innovative concepts and assist with their implementation.

There is phenomenal talent in the Department of Transportation. I see the excitement of the engineers when they pitch their innovative concepts such as divergent diamond interchanges to ease traffic congestion at a reduced cost. I am impressed by the passion of the Delaware Transit Corporation employees for the innovative ideas they're coming up with for the overall transit redesign effort, whether it be Rideshare Programs or Flexible Bus Routes, that we are going to continue to implement and expand. I applaud the commitment and innovation coming from the Division of Planning in the area of electronic plan submittals to improve customer service. I see the pride in the faces of our Maintenance and Operations employees when it comes to snow/storm responses. I see the hard work and innovation coming from our Finance Division, saving taxpayers millions of dollars. I am also proud that Delaware has the best DMV in the nation, which is due to the hard work and smiling faces of the DMV employees.

I am excited to work with the DelDOT team in all of these areas. I know we can make a difference for the future of our state. I can assure you that we will not be a department that merely applauds innovative ideas. We will be a department that implements them.

In recent years, I have been a part of the DelDOT Team through the good times and I have been part of the team, working side by side, in the rough times. I look for many more good times to come as we continue to deliver Excellence in Transportation!

Jennifer Cohan was appointed in January 2015 to be only the third woman to lead the Delaware Department of Transportation after serving as the Director of the Delaware Division of Motor Vehicles since 2007. Her state public service career has spanned over 25 years. Jennifer has worked in the capacity of Financial/Program Manager at the Department of Natural Resources and Environmental Control (DNREC) managing the state's Clean Water Program. Jennifer has also worked with the Delaware State Legislature within the Office of the Controller General. Ms. Cohan has also held an array of leadership positions within the Delaware Department of Transportation in the areas of Planning, Finance, and Motor Carrier Safety. She is an adjunct professor at Wilmington University, teaching leadership and public policy in the Master's program. Ms. Cohan is the president of the Greater Dover Boys and Girls Club Board of Directors.

Secretary Cohan currently serves as a member of the AASHTO Board of Directors, and serves as the Chair of the I-95 Corridor Coalition's Executive Board, the Diamond State Port Corporation Board of Directors, the Northeast Corridor Commission, the Northeast Association of State Transportation Officials, Transportation and Climate Initiative, and Transportation Research Board Executive Committee and is an executive member of the National Transportation Research Board.

Jennifer graduated summa cum laude from Wilmington University with a Bachelor of Science in Business Management and a Master of Science in Public Administration. Jennifer also attended the Fels Institute of Government at the University of Pennsylvania.

Office of the Secretary

Jennifer L. Cohan
Secretary

Lesley Devine
Executive Secretary
760-2303

Darlene Cox
Executive Secretary
760-2202

Pam Lilly
Community Outreach
Coordinator
760-2118

Nicole Majeski
Deputy Secretary
760-2715

Evan Park
Legislative Liaison
760-2080

Geoff Sundstrom
Director,
Public Relations
760-2080

Kathrina Stroud
Civil Rights Administrator
760-2555

Scott Vien
Director,
Motor Vehicles
744-2541

John Sisson
Chief Executive Officer,
Delaware Transit Corporation
576-6100

PJ Henry
Manager, Audit
760-2059

Rob McCleary
Chief Engineer,
Director
760-2305

Drew Boyce
Director,
Planning
760-2276

Mark Alexander
Director,
Maintenance & Operations
760-2201

Hugh Curran
Director,
Finance
760-2700

Li Wen Lin
Director,
Technology & Innovation
760-2203

Nicole Majeski - Acting
Director,
Human Resources
760-4831

Transportation Solutions

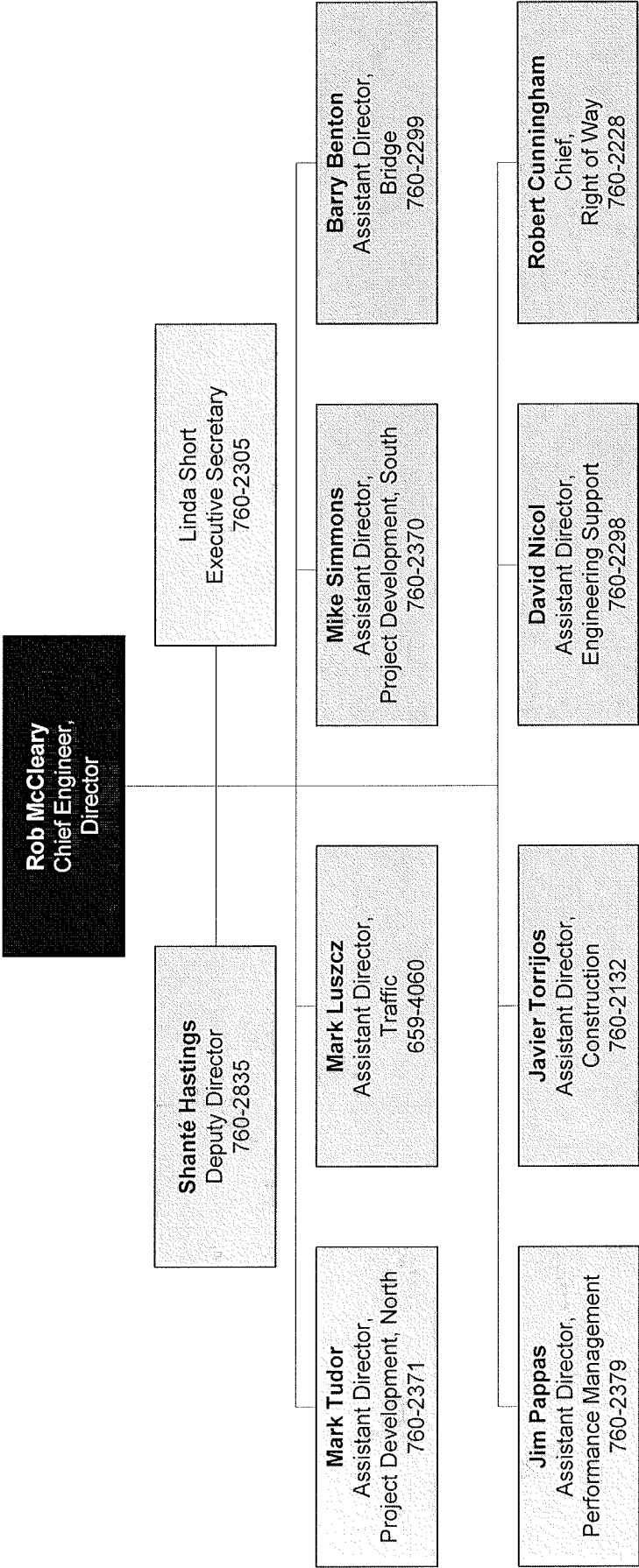


EXHIBIT B

YOU SHOULD READ THIS NOTICE CAREFULLY

Public records list you as a landowner of the property with the following tax map parcel identification number(s): 8-00-11300-02-3500-00001

Within thirty-five (35) days, Artesian Water Company, Inc. plans to file an application with the Delaware Public Service Commission requesting a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a new territory described as Kent 060116. Water service can be provided from an existing main adjacent to the property.

Artesian Water Company, Inc. has included your property in the territory it intends to serve. Artesian Water Company, Inc. is able to provide water service to Kent 060116 immediately upon request.

IF YOU DO NOT TAKE ANY ACTION NOW, YOU MAY LOSE YOUR CHOICE OF WHO CAN PROVIDE WATER SERVICE TO YOUR PROPERTY AND WHETHER YOU CAN OBTAIN A WELL PERMIT.

- 1) You may choose to be included in the utility's proposed service territory. If you signed a petition for water service asking to be included in the utility's proposed service territory, or, if you did not sign a petition for water service but want to be included, you do not have to take any action.
- 2) You have the right to "opt-out" of the utility's proposed service territory. If you "opt-out", your property will not be included in the utility's service territory. You can do this even though others in Kent 060116 might desire water service from the utility. You should understand that being included in a utility's service territory does not mean that public water service will be immediately available to your property or that, when available, you will be required to hook-up to the public water system. However, if your property is included in the utility's water service territory, and later the water from the well providing your drinking water cannot be used, the Department of Natural Resources and Environmental Control might deny you a permit for a new well if public water is available to your property. On the other hand, if you elect to "opt-out" of the utility's service territory, but later change your mind and decide to connect to the utility's public water system, you could be charged additional fees.
- 3) You may object to the Public Service Commission granting a Certificate for Kent 060116. For example, you may object that the water utility does not have the legal right to serve the territory. You should review the law about what a utility must provide in order to obtain a Certificate (contact the Public Service Commission to obtain a copy of the law). If you file such an objection, you will need to tell the Public Service Commission why the utility should not receive the Certificate. Please note that an objection will not remove your property from a proposed service territory. To remove your property from the service territory, you must request to "opt-out."

Attached to this letter is a form which allows you (and other owners of the property) to exercise your options. You have seventy-five (75) days from your receipt of this notice to file your objection with the Commission. Although you may exercise your right to "opt-out" of the utility's service territory at any time before the Certificate is granted, if you choose to opt-out, it is requested that you complete the form and

return it to the Public Service Commission at the address listed below within seventy-five (75) days from the date you receive this notice:

Delaware Public Service Commission 861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

If you want to "opt-out" or object, you must send the completed form to the Public Service Commission, even if you already informed the utility of your intent to "opt-out" or object.

If you have any questions, comments or concerns, please contact the Public Service Commission at (302) 736-7500 (in Delaware, call 800-282-8574).

PROPERTY OWNER OPT-OUT/OBJECT FORM

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

Dear Delaware Public Service Commission:

I/We are the recorded property owner(s), according to current tax records, for the following property/properties: 8-00-11300-02-3500-00001

We received a notice from Artesian Water Company, Inc. that it plans to file an application with the Delaware Public Service Commission for a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a proposed service territory described by Artesian Water Company, Inc. as Kent 060116 (hereafter, "Proposed Service Territory").

_____ As permitted by applicable law, I hereby opt-out of Artesian Water Company, Inc.'s proposed service territory. I understand that by opting out of the Proposed Service Territory, I may be charged additional fees if I later change my mind and choose to be included in the Proposed Service Territory and receive water service from Artesian Water Company, Inc.

_____ I hereby object to the Artesian Water Company, Inc.'s application for the Certificate of Public Convenience and Necessity. I understand that by objecting to the Artesian Water Company, Inc.'s application I am not merely objecting to being included in the Proposed Service Territory (in which case, I may merely opt out as permitted by electing to opt out above), but rather am objecting to the Commission authorizing Artesian Water Company, Inc. to provide water service to *any territory* within the Proposed Service Territory, including, but not limited to, my own property. The basis of my objection is as follows:

Property Owner(s): *[Property Owner Name]* _____
 [Property Owner Address] _____

Owner's Signature: _____ Date: _____

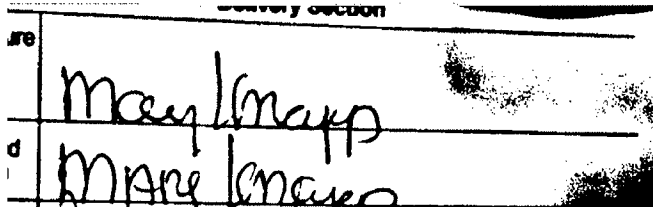


Date: June 20, 2016

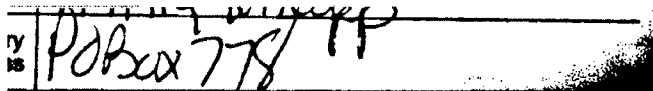
Lauri Major:

The following is in response to your June 20, 2016 request for delivery information on your Certified Mail™ item number 9171969009350121923940. The delivery record shows that this item was delivered on June 6, 2016 at 8:04 am in DOVER, DE 19903. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

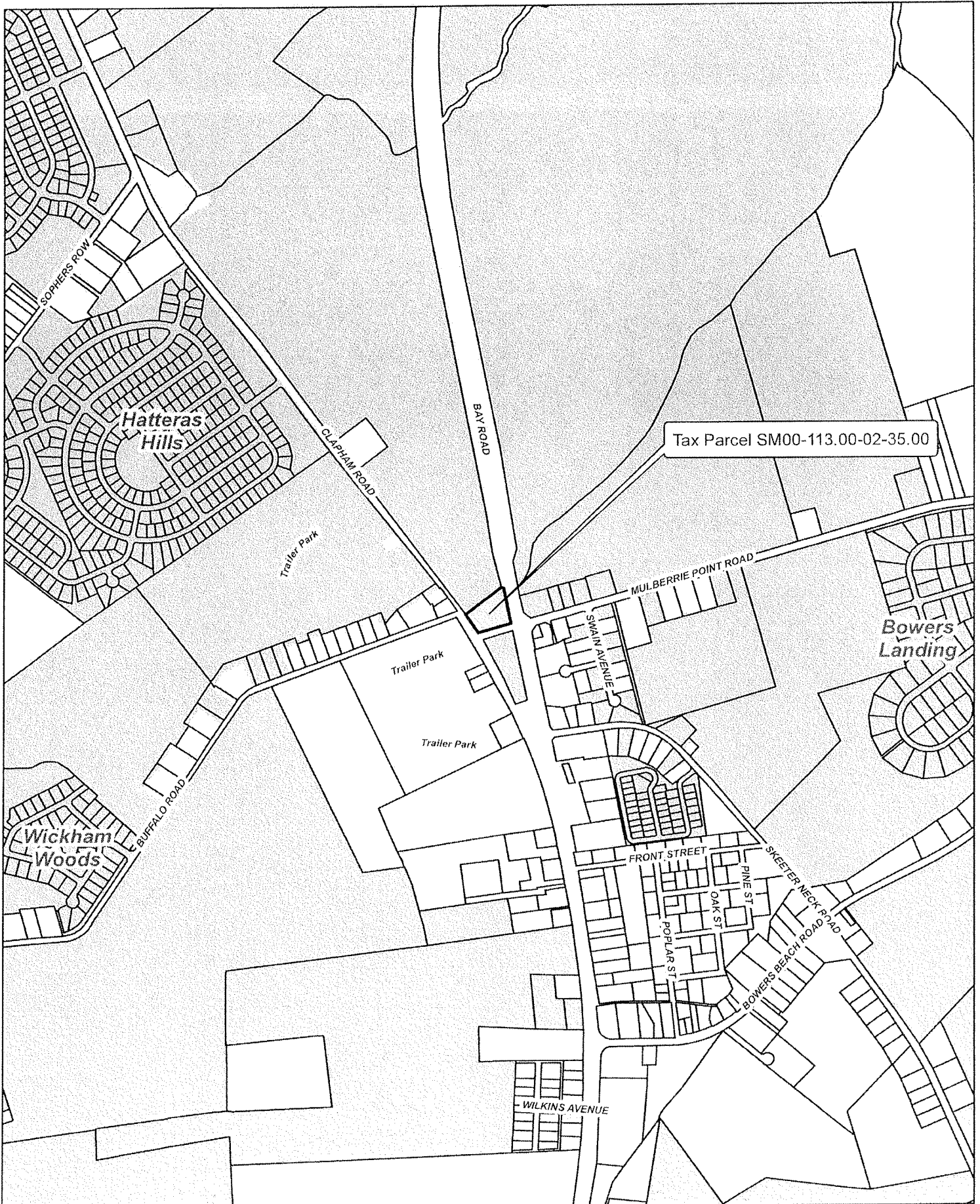
If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

EXHIBIT C

ARTESIAN WATER COMPANY, INC.
Kent 06116
Proposed Parcel Included in CPCN Application

PARCEL ID	OWNER NAME	MAILING ADDRESS			PROPERTY ADDRESS
8-00-11300-02-3500-00001	State of Delaware	STREET	CITY	STATE	ZIP
		800 South Bay Road	Dover	DE	19901
					288 Clapham Rd, Frederica, DE 19946



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Existing AWC CPCN

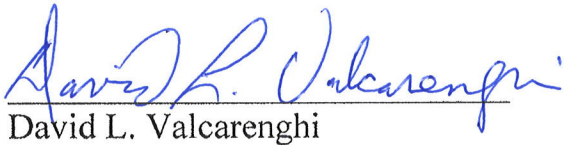
TP# SM00-113.00-02-35.00



EXHIBIT D

Certification of Landowner Information Accuracy

I certify that I received appropriate tax or land documents which verify that the individuals in this Application are either landowners of record or agents authorized to act on behalf of entities that control the parcel(s) included in this CPCN Application. I certify that the petitions to provide water service to parcel(s) noted in this Application have been signed by landowners or by dually authorized agents.


David L. Valcarengi